REMARKS

I. Formal Matters. Claims 3-5, 9-11, and 15-17 are currently pending in this application.

All occurrences of "EFM (Eight to Fifteen Modulation)" throughout the specification and claims are corrected by amendment to read -- EFM (Eight to Fourteen Modulation)--, which is the industry standard, readily used by one of ordinary skill in the art.

II. Claims.

Claims 1-17 are rejected as allegedly obvious over "the admitted prior art" in view of *Koudo* U.S. Patent No. 5,956,307 (*Koudo '307*) under 35 U.S.C. §103(a). Applicant respectfully traverses these rejections in view of the following remarks.

Claims 1, 2, 6-8, and 12-14 are cancelled.

Claims 3, 9, and 15. Examiner cites *Koudo '307* at col. 22, lines 65-67 and Fig. 4 as allegedly providing Applicant's element of "exceeds a prescribed range" (OA page 5; *applicant* claims 3, 9, and 15). Examiner cited text in *Koudo* refers to a "fixed comparison reference value" (col. 22, lines 65-67; Fig. 4), wherein the "reference value" is an additional input to *Koudo's* hold signal generating circuit **42** (Figs. 3 and 4).

In contrast, Applicant claims the generation of a lead/lag signal when the gap between the EFM and transfer pointers exceeds a "prescribed range" and motor control signal generation based on the lead/lag signal (claim 3). *Koudo '307* neither teaches nor suggests a limited range or "fixed comparison reference value" for the output from his phase comparison circuitry **39** and

input into his spindle motor control circuitry **3**. Rather, *Koudo'307* discloses a reference value for input into his holding circuit **42** that feeds into his signal processing clock signal generating circuit **40** (Fig. 3). A proper 35 U.S.C. §103(a) obviousness rejection teaches or suggests each and every element of the claim. The Examiner applied references do not teach or suggest a motor control signal generation based on the "prescribed range" corresponding to the gap between the EFM and transfer pointer. Therefore, Applicant asserts that at least for failing to teach the element of a motor controls signal generation based on a prescribed range corresponding to the gap between the EFM and transfer pointers, the 35 U.S.C. §103(a) rejection of claims 3, 9, and 15 over "the admitted prior art" in view of *Koudo'307* is improper and should be withdrawn.

Claims 4, 10, and 16. The Examiner asserts that Applicant's dependent claims 4, 10, and 16 are obvious over the admitted prior art in view of *Koudo*, referencing *Koudo '307* at col. 22, line 44 to col. 3, line 10. As in the text which Examiner cited for rejection of claim(s) 3 (9, and 15), this text refers to a "range" for the "fixed comparison reference value" (col. 22, lines 65-67; Fig. 4), wherein the "reference value" is an additional input to *Koudo '307's* hold signal generating circuit **42** (Figs. 3 and 4). *Koudo '307* is referring to the "fixed reference value" of his hold signal circuit **42** (Fig. 4; col. 22, lines 44, 45 and 65-67).

In contrast, Applicant claims a means to vary the "prescribed range" corresponding to the gap between the EFM and transfer pointers used to influence motor control signal generation. *Koudo '307,* at large or in Examiner cited text, neither teaches nor discloses the element of varying the "prescribed range" corresponding to the gap between the EFM and transfer pointers

used to influence motor control signal generation. Therefore, at least for failing to teach or disclose this element of claims 4, 10, and 16 , Applicant asserts that the 35 U.S.C. §103(a) rejection of claims 4, 10, and 16 over "the admitted prior art" in view of *Koudo'307* is improper and should be withdrawn.

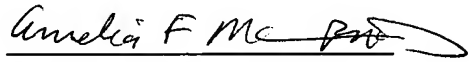
Claims 5, 11, and 17. The Examiner asserts that "the combination of prior art and *Koudo ['307]* shows wherein the motor control signal generation means adds - α or + α to the error value..." (OA page 5; Examiner *quoting* Applicant's claim 5, and *citing Koudo '307*, Fig. 3, **3**; col. 22, lines 55 and 56). While, *Koudo'307's* Fig. 3 shows a spindle control circuit **3**, Fig. 3 does not disclose, nor does the text in col. 22, lines 55 and 56 recite, adding - α or + α to a frequency error value by a motor control signal generating circuit, or by any circuit. Even if *Koudo '307's* spindle control circuit **3** and phase comparison circuit **39** (Fig. 3) are analogous to Applicant's motor control signal generating circuit 212 and lead/lag detector 210, respectively, *Koudo '307* fails to teach or suggest adding or subtracting a phase comparison constant to the error value of the frequency comparison. At least for failing to teach or suggest adding or subtracting a phase comparison constant to the error value of the frequency comparison, the rejection of claims 5, 11, and 17 over "admitted prior art" in view of *Koudo '307* under 35 U.S.C. §103(a) is improper and should be withdrawn.

In view of the preceding amendments and remarks, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephonic

interview, he is kindly requested to contact the undersigned attorney at the local telephone number listed below.

The USPTO is directed and authorized to charge all required fees (except the Issue/Publication Fees) to our Deposit Account No. 19-4880. Please also credit any over-payments to said Deposit Account.

Respectfully submitted,



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